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8 *merger to BAC Home Loans Servicing, LP, f/k/a*
Countrywide Home Loans Servicing, LP

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 BANK OF AMERICA, N.A., SUCCESSOR BY
12 MERGER TO BAC HOME LOANS
SERVICING, LP, FKA COUNTRYWIDE
13 HOME LOANS SERVICING LP,

14 Plaintiffs,

15 v.

16 MESA AND VALLA AT MOUNTAIN'S EDGE
17 HOMEOWNERS' ASSOCIATION; PREMIER
ONE HOLDINGS, INC.; LJS&G, LTD., D/B/A
18 LEACH JOHNSON SONG & GRUCHOW;
KUIHUA WANG; and WANBIAO LI,
19

20 Defendants.

21 AND ALL RELATED CLAIMS.

Case No.: 2:16-cv-00508-RFB-EJY

ORDER

22
23 Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP, f/k/a
24 Countrywide Home Loans Servicing, LP (**BANA**), Mesa and Valla at Mountain's Edge Homeowners'
25 Association (**HOA**), Premier One Holdings, Inc. (**Premier One**), and Kuihua Wang, and Wanbiao Li
26 stipulate as follows:

27 1. This matter relates to real property at located 7316 Childers Avenue, Las Vegas, NV
28 89178, APN 176-27-813-012 (the **Property**). The Property is more specifically described as:

1 Parcel I:

2 Lot 199 of The Mesa @ Mountains Edge Pod 212 & The Valla @ Mountains Edge
3 Pod 249 – Unit 2, as shown by map thereof on file in Book 128 of Plats, Page 36,
4 in the Office of The County Recorder of Clark County, Nevada

5 Parcel II:

6 An easement for ingress and egress over private streets in common areas as shown
7 and delineated on said map.

8 2. BANA is the beneficiary of record of a deed of trust that encumbers the Property and
9 was recorded on January 23, 2009, as instrument no. 20090123-0001786 (the **Deed of Trust**).

10 3. On September 17, 2013, Premier One recorded a foreclosure deed as instrument no.
11 20130917-0001655 (the **HOA foreclosure deed**), reflecting that Premier One purchased the Property
12 at a foreclosure sale of the Property held on August 22, 2013 (the **HOA sale**).

13 4. Premier One has not transferred its interest and is currently the title holder of record.

14 5. On March 8, 2016, BANA initiated an action against the HOA, LJS&G, LTD., d/b/a
15 Leach Johnson Song & Gruchow Premier One (**Leach Johnson**), Kuihua Wang, and Wanbiao Li in
16 the United States District Court, District of Nevada, Case No. 2:16-cv-00508.

17 6. On July 8, 2016, Premier One, Wang, and Li counterclaimed for quiet title and
18 injunctive relief against BANA.

19 7. On May 30, 2019, the court dismissed BANA's claims against Leach Johnson without
20 prejudice.

21 8. BANA has resolved all claims against Premier One, the HOA, Wang, and Li.

22 9. Premier One, Wang, and Li have resolved all claims against BANA.

23 10. The parties agree that the Deed of Trust remains a valid encumbrance against the
24 Property following the recording of the HOA foreclosure deed, and Premier One's fee simple interest
25 in the Property is subject to the Deed of Trust. Kuihua Wang and Wanbiao Li admit they have no
26 interest in the Property.

27 11. This stipulation is made for purposes of this action only and is not a waiver by any
28 party of its legal position in any other case or an admission of liability in this or any other action.

1 12. The lis pendens recorded against the Property on March 10, 2016, as instrument no.
 2 20160310-0001562 is expunged.

3 13. The parties agree that each party is to bear their own fees and costs.

4 DATED this 30th day of May, 2023.

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| <p>5 AKERMAN LLP</p> <p>6 <u>/s/ Scott R. Lachman</u></p> <p>7 MELANIE D. MORGAN, ESQ. Nevada Bar No. 8215</p> <p>8 SCOTT R. LACHMAN, ESQ. Nevada Bar No. 12016 1635 Village Center Cir., Suite 200 Las Vegas, Nevada 89134</p> <p>9 <i>Attorneys for Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP, f/k/a Countrywide Home Loans Servicing, LP</i></p> | <p>TYSON & MENDES, LLP</p> <p><u>/s/ Thomas E. McGrath</u></p> <p>THOMAS E. MCGRATH Nevada Bar No. 7086</p> <p>CHRISTOPHER A. LUND Nevada Bar No. 12435 2835 St. Rose Pkwy, Suite 140 Henderson, NV 89052</p> <p><i>Attorneys for Mesa and Valla at Mountain's Edge Homeowners' Association</i></p> |
| <p>13 MORRIS LAW CENTER</p> <p>14 <u>/s/ Timothy A. Wiseman</u></p> <p>15 SARAH A. MORRIS, ESQ. Nevada Bar No. 8461</p> <p>16 TIMOTHY A. WISEMAN, ESQ. Nevada Bar No. 13786 5450 W. Sahara Ave., Suite 330 Las Vegas, Nevada 89146</p> <p>17 <i>Attorneys for Kuihua Wang and Wanbiao Li</i></p> | <p><u>/s/ Brian D. Shapiro</u></p> <p>BRIAN D. SHAPIRO, ESQ. Nevada Bar No. 5772 510 S. 8th Street Las Vegas, NV 89101</p> <p><i>Trustee for Premier One Holdings, Inc</i></p> |

ORDER

Based on the above stipulation between Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP, f/k/a Countrywide Home Loans Servicing, LP (**BANA**), Mesa and Valla at Mountain's Edge Homeowners' Association (**HOA**), Premier One Holdings, Inc. (**Premier One**), Kuihua Wang, and Wanbiao Li, the parties' agreement, and good cause appearing therefore,

IT IS ORDERED that the Deed of Trust recorded in the official records of Clark County, Nevada against the real property located at 7316 Childers Avenue, Las Vegas, NV 89178, APN 176-27-813-012 (the **Property**) on January 23, 2009, as Instrument No. 20090123-0001786 (the **Deed of Trust**) was not extinguished, impaired, or otherwise affected by the foreclosure sale conducted by the HOA on August 22, 2013, or the recording of the HOA foreclosure deed in the official records of Clark County, Nevada on September 17, 2013, as Instrument No. 20130917-0001655, reflecting that Premier One purchased the Property at the HOA foreclosure sale. Premier One's fee simple interest in the Property is subject to the Deed of Trust. Kuihua Wang and Wanbiao Li have no interest in the Property.

IT IS FURTHER ORDERED that BANA shall be entitled to record this STIPULATION AND ORDER OF FINAL JUDGMENT CONFIRMING VALIDITY OF DEED OF TRUST in the official records of Clark County, Nevada in accordance with the rules of the recorder's office.

IT IS FURTHER ORDERED BANA's breach of NRS 116.1113 and wrongful foreclosure claims against the HOA, and the counterclaim filed by Premier One, Wang, and Li are dismissed with prejudice.

IT IS FURTHER ORDERED that this order constitutes the final judgment of this court, resolving all claims in this case with prejudice, each party to bear its own fees and costs.

IT IS FURTHER ORDERED that the lis pendens recorded against the property on March 10, 2016, as instrument no. 20160310-0001562 is EXPUNGED.

IT IS FURTHER ORDERED that the parties are to bear their own fees and costs.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE